REMARKS

New claim 43 has been added, support for which exists throughout the present specification, including page 5, line 24 and pages 8-10.

Claims 1-43 are currently pending, although claims 28-42 have been withdrawn from consideration.

The Office Action rejected claims 1-27 under 35 U.S.C. § 103 as obvious over PCT patent application publication no. WO 01/56537 ("Dalrymple"). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

Dalrymple neither teaches nor suggests the claimed methods. For example, in Dalrymple's methods, water addition is the last step, with cationic compounds being added as part of the first step. This method differs from the claimed methods which require addition of a cationic surfactant after formation of a water-containing nanoemulsion.

The Office Action recognized that Dalrymple does not disclose the claimed processes ("Dalrymple et al does not explicitly teach lowering the temperature of the solution to 20°C before addition of the cationic surfactant."). Nevertheless, the Office Action rejected the claimed methods based upon the assumption that Dalrymple's methods yielded equivalent products to the claimed methods ("It is not clear that this step results in a materially different compound than disclosed by Dalrymple et al. and thus does not provide patentable weight for the presently claimed method."). As explained below, this assumption (and, thus, the rejection based upon this assumption) is erroneous.

Submitted concurrently herewith is a Rule 132 declaration demonstrating that the claimed methods yield different products than methods like Dalrymple's methods. More specifically, a composition was prepared twice, once using the invention processes, and once using a process like Dalrymple's which added cationic compounds at the beginning of the process.

The appearance and stability of the resulting compositions was different. More specifically, the Invention Composition was a transparent nanoemulsion. (Rule 132 declaration, par. 7). The Invention Composition also had a number average particle size of 60 nm and a turbidity of 353 NTU. (Rule 132 declaration, par. 7). Moreover, after 10 days, turbidity was measured, and the turbidity was not substantially different (360 NTU). (Rule 132 declaration, par. 7). Finally, no composition instability (phase separation) was noticed at ambient temperature. (Rule 132 declaration, par. 7).

In stark contrast, the comparative composition made by non-invention methods was opaque, with a number average particle size of 102 nm and a turbidity of 715 NTU. (Rule 132 declaration, par. 8). After 10 days, turbidity was measured, and the turbidity was substantially increased (815 NTU). (Rule 132 declaration, par. 8). Instability of the composition was noticed at ambient temperature. (Rule 132 declaration, par. 8).

The Rule 132 declaration demonstrates that the claimed methods yield different, more acceptable, better cosmetic products than methods like Dalrymple's. Thus, the Rule 132 declaration demonstrates that the Office Action's assumption (that both methods would yield equivalent products) and the rejection based upon this assumption are erroneous.

That Dalrymple does not teach or suggest the claimed methods is particularly true for new claim 43. Dalrymple, at page 2, specifically disparages adding high amounts of oxyalkylenated compounds and, thus, teaches away from adding high amounts of such compounds to his compositions. In contrast, claim 43 requires the presence of large amounts of such compounds.

In view of the above, Applicants respectfully request reconsideration and withdrawal of all of the pending rejection under 35 U.S.C. §103.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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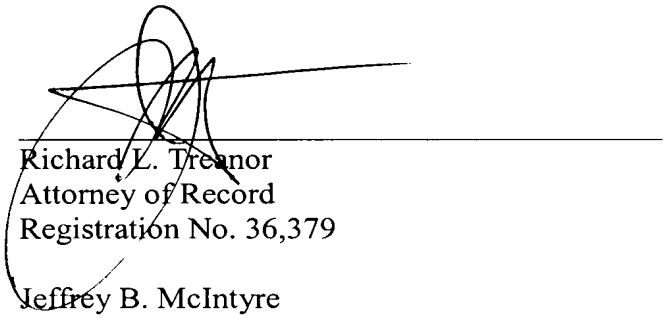

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